To: The Calaveras County Board of Supervisors: Merita Callaway, Chairwoman; Jack Garamendi; Ben Stopper; Gary Tofanelli; and Dennis Mills

From: Muriel Zeller, 2640 Stagecoach Drive, Valley Springs, CA 95252

Regarding: Study Session on Setting Priorities for Implementation of the General Plan

Date: January 23, 2020

*Via Email*

Dear Supervisors,

I watched your January 21 study session on prioritizing implementation of the updated General Plan with great interest. I was encouraged that you added the creation of clear impact mitigation standards for the conversion of Resource Production (RP) Land to the list of priorities for implementation. At least, I think that’s what you did, because there appeared to be some confusion when it came to the terms being used in reference to RP land.

The updated General Plan identifies RP land as that which has agricultural, timber, mineral, or geothermal resources. However, at the study session it seemed that the terms “agriculture” and “resource production” were being used, at times, interchangeably. For example, Supervisor Stopper seemed to think that the Farmland Mapping and Monitoring Program (FMMP) maps for the county must be finished before mitigation for the conversion of RP land can be established. In fairness to Supervisor Stopper, this was after Planning Director Maurer said, “Farmland mapping, this would be a first step towards a larger picture of mitigation.”

Resource Production is an underlying land use which is shown on the General Plan land use map. In other words, the RP land in the county has already been identified and mitigating for the impacts of its conversion to other uses does not need to wait upon the completion of the FMMP maps which relate solely to agriculture. As the Department of Conservation website notes, the FMMP “produces maps and statistical data used for analyzing impacts on California’s agricultural resources.”

I understand that in the assessment of project impacts for the purposes of the California Environmental Quality Act (CEQA), the county and the applicant must determine if the project will convert farmland or agricultural land to other uses, but until the FMMP mapping is complete the county must rely on other methods to determine the impacts to local agricultural land. Simply because land has not been mapped does not mean it does not exist.

CEQA offers alternatives to the FMMP to help with the determination of impacts to agricultural land by asking if a project will conflict with existing zoning for agricultural use or with a Williamson Act contract. In addition, CEQA recommends LESA, “In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland.”

**Before creating clear mitigation guidelines for the impacts associated with the conversion of RP land to other uses, it would be helpful to clarify some implementation measures currently in the updated General Plan. For example, RP-1D: Evaluation of Impacts for Resource Production Land Conversions** says, “Establish a consistent methodology for evaluating the impacts of agricultural land conversions to non-agricultural uses pursuant to the California Environmental Quality Act (CEQA) for use in conjunction with evaluating impacts to resource production lands. In the interim, the County will utilize the Calaveras County Agricultural Coalition Resource Production Lands Mitigation Program Guidelines, prepared November 8, 2011 (Appendix A).”

Unfortunately, the Agricultural Coalition’s Mitigation Program Guidelines are *not* in the updated General Plan, and they are *not* Appendix A. The Agricultural Coalition Resource Production Land *Conversion* Guidelines (as amended by the Planning Commission) are in the updated General Plan, and those guidelines are Appendix A (attached). The Conversion Guidelines say, “The direct and indirect effects, as well as the cumulative effects, of the proposed conversion of Resource Production Lands shall be fully evaluated and mitigated.” There is no discussion of how that will be accomplished other than to say that “potentially significant negative effects on Resource Production Lands” will be “quantitatively and consistently considered in the environmental review process for conversions.”

In addition, RP-1F: Mitigation of Impacts from Resource Production Land Conversions says, “Establish mitigation program guidelines for the impacts caused by conversion of land designated Resource Production on the General Plan Land Use Map to another non-resource production land use. The guidelines shall include, at a minimum, the following alternatives:

* Acquisition of a conservation easement located within Calaveras County at a 1:1 ratio
* Purchase of banked mitigation credits for use by a land bank operating in Calaveras County for use within the county
* Payment into a fund to restore, enhance and improve Resource Production designated land. The fund would be managed by the County Agricultural Department. Use of the fund would be determined by the Board of Supervisors with input from the Agriculture Department, the Calaveras County Resource Conservation District, the University of California Cooperative Extension Office, the Agricultural Advisory Committee, and local landowners.
* On-site mitigation
* Other mitigation measures developed and/or approved by the County.”

It seems that this is where Appendix B (attached), the Agricultural Coalition Resource Production Lands Mitigation Program Guidelines, should have been used. Perhaps that is what was intended as it was referenced in RP-1D, and because some of the mitigation program alternatives listed in RP-1F don’t make sense. For example, please explain how one does “on-site mitigation” for adverse impacts associated with conversions of RP land to another use. The site being used for the on-site mitigation is no longer RP land.

In addition, a fund to “restore, enhance and improve” RP land is not mitigation for the conversion of RP land to another use, i.e., the LOSS of RP land. As the California Farm Bureau Federation observed in an amicus curiae brief in 2013 regarding the use of conservation easements as mitigation, “The permanent protection of existing resources **off-site** is effective mitigation for [a project's direct, cumulative, or growth-inducing] impacts because **it prevents the consumption of a resource to the point that it no longer exists**․ If agricultural land is permanently protected off-site at, for example, a 1:1 replacement ratio, then **at least half of the agricultural land in a region would remain after the region has developed its available open space** (emphasis added).”

If clear impact mitigation standards for the conversion of RP land are really a priority for you, please consider adopting the Agricultural Coalition Resource Production Lands Mitigation Program Guidelines (Appendix B) as interim standards as was previously intended. I don’t believe some of the current mitigation alternatives in RP-1F would withstand CEQA scrutiny. (Please note that the Ag Coalition originally used a 2:1 mitigation ratio for the loss of RP land. In the attached copy not all references to a 2:1 ratio were changed to 1:1.)

Returning to the FMMP, RP-1E: Farmland Mapping says, “Obtain official mapping data for Calaveras County from the California Department of Conservation Farmland Mapping and Monitoring Program, if and when available. To the extent that the mapping data shows Prime Farmland, Unique Farmland, Farmland of Statewide Importance, or Farmland of Local Importance exists, require mitigation for any conversion of such land to non-agricultural purposes.” First of all, the mapping data would not show whether Farmland of Local Importance exists, because under the FMMP, land of importance to the local agricultural economy is determined by each county's board of supervisors and a local advisory committee (Farmland of Local Importance, 2016, attached).

On its website under Important Farmland Categories, the Department of Conservation tells us, “For environmental review purposes under CEQA, the categories of Prime Farmland, Farmland of Statewide Importance, Unique Farmland, Farmland of Local Importance, and Grazing Land constitute 'agricultural land' (Public Resources Code Section 21060.1).” Grazing land is simply, “Land on which the existing vegetation is suited to the grazing of livestock,” which would include the majority of the land in Calaveras County. Given that grazing or ranching is the primary land use in the county, it seems it would get more attention in the updated General Plan, especially due to all the ecosystem services and benefits it provides beyond the production of cattle and other livestock. (Please see the attachments, Ecosystem Categories and Benefits of Rangeland.) For example, the protection and preservation of rangeland can be an important component to the county’s Greenhouse Gas Reduction Plan (COS-5C) and the Open Space Zoning Ordinance (COS-1A), which is woefully overdue.

In future Board discussions, please distinguish among agricultural, timber, mineral, and geothermal resource production lands. Please correct the errors in the Resource Production Element of the updated General Plan. Please define Farmland of Local Importance with an emphasis on rangeland. For your information, I have attached the draft California Sustainable Agricultural Lands Conservation Program Grant Guidelines and Applications. The pre-proposal is due April 30. Please apply. Thank you for your consideration.

Sincerely,

Muriel Zeller

cc: Tom Infusino, Calaveras Planning Coalition Facilitator

Joyce Techel, President, MyValleySprings.com

Bob Garamendi, Calaveras Agricultural Coalition

Peter Maurer, Calaveras County Planning Director